

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JENNIFER A. RHODES,

Petitioner,

v.

RHODA WINSTEAD, Superintendent,
SCI-Cambridge Springs, the DISTRICT
ATTORNEY OF ALLEGHENY
COUNTY, and the ATTORNEY
GENERAL OF PENNSYLVANIA,

Respondents.

Civil Action No. 05-1515
Electronic Filing

Judge Cercone
Magistrate Judge Lenihan

MEMORANDUM ORDER

On October 31, 2005, the above captioned case was initiated by the filing of a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules for Magistrate Judges. Subsequently, counsel was appointed and an amended Petition was filed on December 3, 2008 (doc. no. 28). An Answer was filed in April of 2009 (Document Nos. 33 and 34) and a Reply was filed on July 27, 2009 (Document No. 39).

The Magistrate Judge's Report and Recommendation filed on September 18, 2009, (Document No. 40) recommended that the Petition for Writ of Habeas Corpus be denied and that no certificate of appealability (COA) be issued. On November 2, 2009, Petitioner filed Objections to the Report and Recommendation (Document No. 43). Petitioner's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 8th day of March, 2010;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is
DENIED.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Document No. 40) of Magistrate Judge Lenihan dated September 18, 2009, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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